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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,422	09/10/2003	Kazuto Kinoshita	241812US3DIV	3186

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EXAMINER	
PADGETT, MARIANNE L	

ART UNIT	PAPER NUMBER
1762	

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/658,422	**Applicant(s)** KINOSHITA ET AL.	
	Examiner Marianne L. Padgett	**Art Unit** 1762	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).
4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *31 and 32*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

MARIANNE PADGETT
PRIMARY EXAMINER

Continuation of 3. NOTE:

The addition in claim 31 of the limitation "to cause the decomposed organic substance is to be removed from the surface of the substrate" is a new issue, as previously only reaction was required, not removal.

The proposed amendment to the "subjecting..." limitation of claim 32 does not make sense, i.e. the phrasing subjecting the reducing and oxidative members [H*] and [*OH] to cause a reaction with the decomposed organic substances" appears to be either non-idiomatic or a fragmented phrase missing some words, creating more new issues.

The paired brackets, [ ], which is the symbol for concentration, should not be separated on two lines as it has been on lines 7-8 of claim 31 or lines 9-10 of claim 32, as such symbols are not meant to stand alone, any more than one should have one half of a pair of quotation marks sitting by itself without the phrase to which it's attached.

Continuation of 5. Applicant's reply has overcome the following rejection(s):

Applicant's proposed amendment would correct the 112 problems discussed in section 2 of the action mailed 7/26/2006 for claim 31, remove the relative term from claimed 32, but adds a new problem in the "subjecting..." limitation of claim 32 (discussed above).

It is further noted that since the use of double brackets, [[ ]], have now been in use for some time for meaning deletion, the use of the concentrations sign symbol, [ ], is technically okay for use in the claim language and should not (hopefully) cause any problems. It is noted that the phrase "a reducing active member [H.]" would thus be read as or equivalent to -- a reducing active member concentration of hydrogen radicals --.

Terminal disclaimer submitted on 10/26/2006 received paralegal of approval on 11/20/2006, thus is effective for removing the obviousness double patenting rejection discussed in section 4 of the action mailed 7/26/2006.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's citation of pages 26-27 of the specification (bridging paragraph) is not found to provide any significant meaning to the term "liquid developer", as this disclosure also provides no clue as to what on the substrate may be being developed, for what purpose, or what effect, or what the liquid developer might include, such that the claimed treating process of the substrate of unspecified material, has undeterminable a fact when a liquid developer is apply, such that what the claim might read on is also unclear. It is noted that the surface of the substrate is relatively undefined, except that it has been "wet washed" & had the contact angle reduced by decomposition of organic substances deposited on the surface of the substrate, which treated substances might be intended to be further reacted with the radicals from the split water vapor, where it is uncertain what on the substrate surface or possibly even the decompose/reacted organic substances, might be intended to be "developed" by the "liquid developer". In other words, it is impossible to tell if this is a cleaning process being described in the "wet washing" through "subjecting" steps that is intended to facilitate the subsequently applied "liquid developer" to produce some unspecified effect, or if the treatment using the specified UV light + water vapor is actually part of some development process, such as for causing patterning or some such unspecified effect, etc., such that it for instance causes functionalization of the decomposed organic substance, which is then he either affected or not affected by the liquid developer, etc. While it is true as applicants state that generally "There is no further requirement that the liquid developer be described with any more clear meaning than is described in the specification", it is also true the meaning and the scope of the claimed limitations MUST BE CLEAR. In other words speaking generally, an unclear disclosure in the specification, does not entitle applicants to the issuance of unclear claims.

Continuation of 13. Other:

The terminal disclaimer over USPN 6,821,906 filed on 10/26/2006 with the proposed amendment has been approved.

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 10/658,422	Applicant(s) KINOSHITA ET AL.	
	Examiner Marianne L. Padgett	Art Unit 1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 26 October 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other _____.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
  - ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: *With respect to item 4A, canceled claims 1-30 are not listed.*.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

_____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

   Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

   Failure to timely respond to this notice will result in:
   Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
   Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable — Telephone No.

MARIANNE PADGETT
PRIMARY EXAMINER